

REMARKS

The Office Action dated February 16, 2005 has been carefully reviewed and the foregoing amendments have been made in consequence thereof.

Claims 1-7 are pending in this application. Claim 1 stands rejected. New Claims 2-7 have been added herein. No new matter has been added with the addition of Claims 2-7.

The rejection of Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,721,676 (Ueda) in view of U.S. Patent No. 5,628,319 (Koch) is respectfully traversed.

Ueda describes a process of converting simulation data into test data for testing an integrated circuit 18. The simulation data is produced by software simulation and is representative of a continuous change of state of the integrated circuit 18 over time. A test data processor 11 converts the simulation data into test data suitable for use in actual testing of the integrated circuit 18. The processor 11 thereafter tests the integrated circuit 18 using the test data. The process includes detecting a transition of state of the simulation data, extracting S100 an event from the simulation data in response to the transition, and creating S130 the test data in response to an event.

Koch describes a method and device for nondestructive testing using ultrasonics. Specifically, ultrasonic pulses are fed into an object and ultrasonic waves emerging from the object are detected by an ultrasonic testing head 10 and 12. The detected waves are converted into electrical signals, amplified, and sampled to produce measurement values. The sampled measurement values are digitized and stored. A function is obtained from the digitized values via interpolation. Peak values of the ultrasonic waves and/or a time of propagation of the waves at their peaks are determined using the obtained function.

Applicants respectfully submit that the Section 103 rejection of Claim 1 is not a proper rejection. As is well established, obviousness cannot be established by combining the teachings of the cited art to produce the claimed invention, absent some teaching,

suggestion, or incentive supporting the combination. Neither Ueda nor Koch, considered alone or in combination, describe nor suggest the claimed combination. Furthermore, in contrast to the assertion within the Office Action, Applicants respectfully submit that it would not be obvious to one skilled in the art to combine Ueda with Koch, because there is no motivation to combine the references suggested in the art. Additionally, the Examiner has not pointed to any prior art that teaches or suggests to combine the disclosures, other than Applicants' own teaching.

As the Federal Circuit has recognized, obviousness is not established merely by combining references having different individual elements of pending claims. Ex parte Levengood, 28 U.S.P.Q.2d 1300 (Bd. Pat. App. & Inter. 1993). MPEP 2143.01. Rather, there must be some suggestion, outside of Applicants' disclosure, in the prior art to combine such references, and a reasonable expectation of success must be both found in the prior art, and not based on Applicant's disclosure. In re Vaeck, 20 U.S.P.Q.2d 1436 (Fed. Cir. 1991). In the present case, neither a suggestion or motivation to combine the prior art disclosures, nor any reasonable expectation of success has been shown.

Furthermore, it is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the cited art so that the claimed invention is rendered obvious. Specifically, one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the art to deprecate the claimed invention. Further, it is impermissible to pick and choose from any one reference only so much of it as will support a given position, to the exclusion of other parts necessary to the full appreciation of what such reference fairly suggests to one of ordinary skill in the art. The present Section 103 rejection is clearly based on a combination of teachings selected from multiple patents in an attempt to arrive at the claimed invention.

Moreover, if art "teaches away" from a claimed invention, such a teaching supports the nonobviousness of the invention. U.S. v. Adams, 148 USPQ 479 (1966); Gillette Co. v. S.C. Johnson & Son, Inc., 16 USPQ2d 1923, 1927 (Fed. Cir. 1990). In light of this standard, it is respectfully submitted that the cited, as a whole, is not suggestive of the

presently claimed invention. Accordingly, for at least the reasons set forth above, Applicants respectfully request that the Section 103 rejection be withdrawn.

Moreover, to the extent understood, no combination of Ueda and Koch describes nor suggests the claimed combination and as such, the presently pending claims are patentably distinguishable from the cited combination. Specifically, Claim 1 recites a method of managing NDE data comprising “providing a predetermined standard data format for NDE test data...converting existing NDE test data including a plurality of different data formats into the standard data format...adding the converted NDE test data to a computer database associated with a computer network...and transmitting the converted data over the network.”

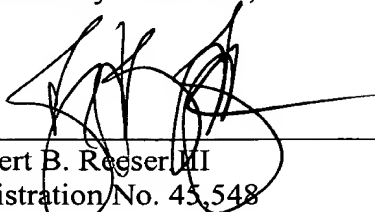
Neither Ueda nor Koch, considered alone or in combination, describe nor suggest the method recited in Claim 1. For example, neither Ueda nor Koch, considered alone or in combination, describe nor suggest converting existing NDE test data including a plurality of different data formats into a standard data format, as recited in Claim 1. Rather, Ueda describes testing an integrated circuit by converting simulation data that represents a continuous change of state of the circuit over time and that is produced by software simulation into test data suitable for use in actual testing of the circuit, and using the test data to test the circuit. Additionally, Koch does not make up for the deficiencies in Ueda, but rather describes nondestructive testing that includes converting detected ultrasonic waves into electrical signals to produce measurement values used for determining peak values of the waves and/or a time of propagation of the waves at their peaks. Accordingly, Claim 1 is submitted to be patentable over Ueda in view of Koch.

For at least the reasons set forth above, Applicants request that the Section 103 rejection of Claim 1 as being unpatentable over Ueda in view of Koch be withdrawn.

With respect to newly added Claims 2-7, Claims 2-7 each depend from independent Claim 1 which is submitted to be in condition for allowance. When the recitations of Claims 2-7 are considered in combination with the recitations of Claim 1, Applicants submit that dependent Claims 2-7 likewise are in condition for allowance.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Reconsideration and favorable action is respectfully solicited.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'R. B. Reeser III', is written over a horizontal line.

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